

CSA

**FILED**

JUL 30 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIERING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK ANTHONY DUROSS,

No. C 07-2881 MJJ (PR)

Petitioner,

**ORDER OF TRANSFER**

v.

WARDEN OF CALIFORNIA  
STATE PRISON SACRAMENTO,**(Docket No. 3)**

Respondent.

Petitioner, a California prisoner, has filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging a conviction and sentenced obtained in the Superior Court for the County of Sacramento.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); although petitions challenging a conviction are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence). The venue for Sacramento County, where petitioner was convicted, is the United States District Court for the Eastern District of California. See 28 U.S.C. § 84(b).<sup>1</sup>

Because venue is preferred in the Eastern District, this case is TRANSFERRED to

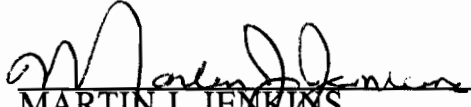
<sup>1</sup>The Court notes that petitioner is also incarcerated in Sacramento County.

1 the United States District Court for the Eastern District of California. See 28 U.S.C. §  
2 1404(a); Habeas L.R. 2254-3(b). In light of this transfer, this Court will defer to the  
3 Eastern District for a ruling on the motion for leave to proceed in forma pauperis.

4 The Clerk shall transfer this matter forthwith, and terminate Docket No. 3 from this  
5 Court's docket.

6 IT IS SO ORDERED.

7 DATED: 7/28/2007

8   
9 MARTIN J. JENKINS  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MARK ANTHONY DUROSS,  
Plaintiff,

Case Number: CV07-02881 MJJ

**CERTIFICATE OF SERVICE**

v.

CALIFORNIA STATE PRISON et al,  
Defendant.

---

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 30, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mark Anthony Duross  
California State Prison - Sacramento  
Prisoner Id P-55133  
P.O. Box 2900 (C-5-#108)  
Represa, CA 95671-0066



Dated: July 30, 2007

Richard W. Wicking, Clerk  
By: Edward Butler, Deputy Clerk